

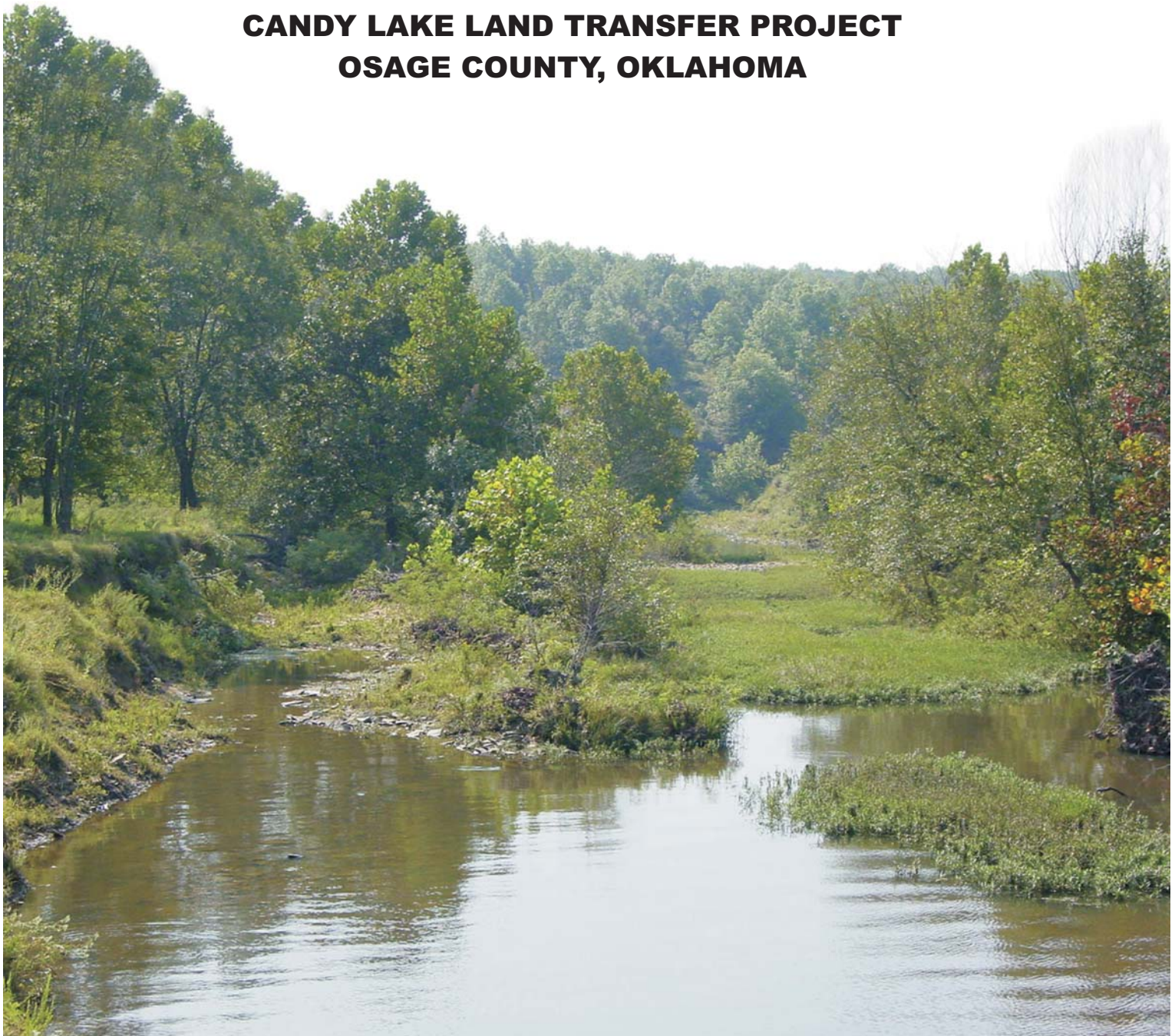


**US Army Corps  
of Engineers®**

**May 2005**

**DRAFT**

**ENVIRONMENTAL ASSESSMENT  
FOR THE  
CANDY LAKE LAND TRANSFER PROJECT  
OSAGE COUNTY, OKLAHOMA**





## **FINDING OF NO SIGNIFICANT IMPACT**

In accordance with the National Environmental Policy Act of 1969, including guidelines in 33 Code of Federal Regulations, Part 230, the Tulsa District has assessed the environmental impacts of the Candy Lake Land Transfer Project which proposes to convey the Government's interest in the land acquired for the Candy Lake Project, Candy Lake, Oklahoma. The previous owners of the land, or their descendants, would be given the first option to purchase the property at Fair Market Value. Candy Lake was a multipurpose project authorized for the purpose of flood control, water supply, recreation, and fish and wildlife. Construction began in September 1976 and was about 15 percent complete when, in 1981, a U.S. Justice Department decision withdrew condemnation proceedings to acquire mineral rights from the Osage Indian Nation. In 1984 the project was placed in a deferred status. Congressional legislation was required to resume condemnation proceedings but was not passed and is not pending. Public Law 106-53, Section 563 (c) of the Water Resources Development Act of 1999, requires the property to be conveyed from Government ownership. This Environmental Assessment was prepared in accordance with U.S. Army Corps of Engineers Regulations, Part 230, Policy and Procedures for Implementing the National Environmental Policy Act. Prior to the land conveyance, consultation would be initiated with the State Historic Preservation Office and/or Tribal Historic Preservation Office to insure that appropriate mitigation measures would be implemented in compliance with all levels of Section 106 and NEPA processes. It has been determined from the enclosed Environmental Assessment that the project would have no significant adverse effects on the natural or human environment. Therefore, an environmental impact statement would not be prepared.

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Date

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Miroslav P. Kurka  
Colonel, U.S. Army  
District Engineer

Enclosure  
Environmental Assessment



**DRAFT**

**ENVIRONMENTAL ASSESSMENT**  
**FOR THE**  
**CANDY LAKE LAND TRANSFER PROJECT**  
**OSAGE COUNTY, OKLAHOMA**

**May 2005**

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Tulsa District

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## EXECUTIVE SUMMARY

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### PROPOSED ACTION:

The Proposed Action would return 3,658 acres of fee-owned land plus 351 acres of easement interest in Osage County, Oklahoma currently owned by the Federal Government, to private ownership. The 26 parcels of fee-owned land would be offered to the original 21 landowners, or their descendants, at fair market value. If the original landowners or their descendants do not wish to purchase their original parcel(s), the land would be disposed of through the normal disposal process in accordance with PL 107-217. No parcels would be subdivided; parcels would only be sold in their original configuration and only at fair market value. However, after the parcels are sold, they can be subdivided in any legal manner.

If some or all of the parcels are not purchased by the original landowners or their descendants and enter the Federal screening process, it is probable that the remainder would be transferred to other eligible Federal agencies. If no other Federal agencies express interest, then the remaining tracts would be offered for public sale. However, the Osage Nation has expressed interest in acquiring any remaining tracts, and since the area is former tribal land, the Nation would have first option under PL 93-599.

### PURPOSE AND NEED FOR THE PROPOSED ACTION:

The purpose of the Candy Lake Land Transfer Project (Project) is for the Government to divest its interest in the land originally obtained to construct a multi-purpose flood control reservoir. An agreement as to the mineral rights for the land could not be reached with the Osage Nation; therefore, the flood control reservoir was never built. Because the reservoir was never built and the project has now been de-authorized by Congress, the Government is required to dispose of the property.

Public Law 106-53, Section 563 (c) of the Water Resources Development Act of 1999, requires the property to be conveyed from Government ownership. This requirement includes conveying all right, title and interest of the United States in and to the land acquired for the Candy Lake project. Additionally, it requires that the Government must give a previous owner of the land and their descendants, the first option to purchase the land.

ALTERNATIVES TO THE  
PROPOSED ACTION:

Alternatives addressed in the Environmental Assessment (EA) include the No Action Alternative, and the Proposed Action Alternative. No other alternatives meet the project's purpose and need.

ENVIRONMENTAL IMPACTS  
OF THE PROPOSED  
ACTION:

No direct impacts are anticipated from the conveyance of the Candy Lake lands to private ownership. Some minor indirect impacts to land use, soils, vegetation and wildlife may occur. Indirect adverse impacts to cultural resources from the loss of Government protection would be mitigated to a less-than-significant level by completing consultation with the Oklahoma State Historic Preservation Office and the Osage tribe and implementing required preservation measures before the transfer of any parcels to private ownership.

CONCLUSIONS:

Based upon the results of the EA, it has been concluded that the Proposed Action would not have a significant adverse effect on the environment.



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***SECTION 1.0***  
***PURPOSE, NEED AND SCOPE***

